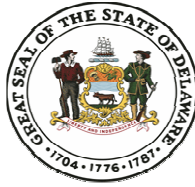


**JOSEPH R. BIDEN, III**  
Attorney General



**DEPARTMENT OF JUSTICE**

**NEW CASTLE COUNTY**  
Carvel State Building  
820 N. French Street  
Wilmington, DE 19801  
Criminal Division (302) 577-8500  
Fax: (302) 577-2496  
Civil Division (302) 577-8400  
Fax: (302) 577-6630  
TTY: (302) 577-5783

**KENT COUNTY**  
102 West Water Street  
Dover, DE 19904  
Criminal Division (302) 739-4211  
Fax: (302) 739-6727  
Civil Division (302) 739-7641  
Fax: (302) 739-7652  
TTY: (302) 739-1545

**SUSSEX COUNTY**  
114 E. Market Street  
Georgetown, DE 19947  
(302) 856-5353  
Fax: (302) 856-5369  
TTY: (302) 856-2500

**PLEASE REPLY TO:**

[New Castle County-Civil Division]

May 11, 2007

The Honorable Gregory M. Sleet  
United States District Court  
District of Delaware  
J. Caleb Boggs Federal Building  
844 N. King Street  
Wilmington, DE 19801

Re: ***Lewis v. Carroll, et al.,***  
**D. Del., C.A. No. 06-778-GMS**

Dear Judge Sleet:

Please allow this letter to reflect State Defendant Thomas Carroll's response in opposition to Plaintiff's Motion for Order to Compel Defendant Thomas L. Carrol [sic] to Place Jimmie Lewis into Protective Custody (the "Motion for Preliminary Injunction") (D.I. 10).

On April 20, 2007, Inmate Jimmie Lewis, SBI #506622, asked the officers at the Delaware Correctional Center to place him in protective custody. (Exhibit A at ¶ 2). Mr. Lewis's request for protective custody was based on his belief that two inmates were threatening him while he was housed on the Special Needs Unit. (Exhibit A at ¶ 2; Exhibit B). Mr. Lewis was placed in protective custody the same day as his request and he remained there until May 4, 2007, when he was transferred to the Infirmary. (Exhibit A at ¶ 3; Exhibit C). Mr. Lewis is, at present, still housed in the Infirmary but he will be transferred back to protective custody after the medical staff in the Infirmary discharges him. (Exhibit A at ¶ 3).

The Honorable Gregory M. Sleet

May 11, 2007

Page 2

Mr. Lewis's classification in protective custody is reviewed on a weekly basis. (Exhibit A at ¶ 4). However, Mr. Lewis will remain in protective custody until he no longer believes it necessary and signs off on a statement to that effect. (*Id.*).

Because Mr. Lewis is housed in protective custody and will remain there until he no longer believes the inmates are threatening his life, State Defendant Carroll asks that Lewis's Motion for Preliminary Injunction be denied as moot.

If the Court has any questions or concerns, or believes that a more formal response from State Defendant Carroll is required, please contact the undersigned counsel at (302) 577-8400. Thank you.

Sincerely,

*/s/ Erika Y. Tross*

Erika Y. Tross  
Deputy Attorney General  
Attorney for State Defendant  
Thomas Carroll

cc: Jimmie Lewis, Plaintiff  
Enclosures

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JIMMIE LEWIS,	)	
	)	
Plaintiff,	)	
	)	
	)	Civil Action No. 06-778-GMS
v.	)	
	)	Jury Trial Requested
	)	
THOMAS L. CARROLL, et al.	)	
	)	
Defendants.	)	

**AFFIDAVIT OF THOMAS SEACORD**

I, Thomas Seacord, having been duly sworn by law, do hereby depose and state as follows:

1. I am employed by the State of Delaware Department of Correction ("DOC") as a Lieutenant in the Classification Office at the Delaware Correctional Center ("DCC"), Smyrna, Delaware. I have been employed by DCC since May 30, 1989 and have worked in the Classification Office since August 1, 2005.

2. On April 20, 2007, Inmate Jimmie Lewis, SBI #506622, requested that he be moved to protective custody. Inmate Lewis stated that the reason he was requesting protective custody was because two inmates were threatening him while he was housed on the Special Needs Unit. Inmate Lewis was transferred to protective custody – Building 18, Tier C, Cell 12 – that same day.

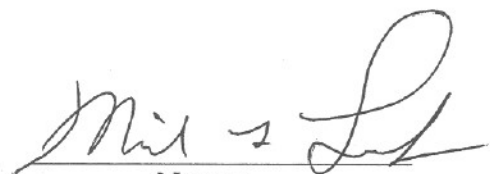
3. Approximately two weeks later, on May 4, 2007, Inmate Lewis was transferred to the Infirmary at DCC for treatment. Inmate Lewis is, at present, still

housed in the Infirmary. He will be transferred back to protective custody when he is discharged from the Infirmary.

4. When Lewis returns to protective custody I, along with another counselor, will review his classification on a weekly basis. Inmate Lewis, however, will remain in protective custody until he requests removal by signing off on a statement that he no longer believes protective custody is necessary.

  
Thomas Seacord

**SWORN AND SUBSCRIBED** before me this 10th day of May, 2007.

  
Notary



# **EXHIBIT B**

## Protective Custody

20	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
21	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
22	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
23	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
24	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
25	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
26	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
27	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
28	Lewis, Jimmy	506622	INF	4/20/2007	Carjacking 2nd, Theft over \$1000	11/1/2008	Signed on stating that 2 inmates in SNU were threatening to beat him up. Both inmates deny claim and Lewis admits to not taking meds	?
29	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
30	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

5/8/2007

# **EXHIBIT C**



Delaware Department of Correction - [Offender Housing Details and History - MOV\_OHDH ] -  
Offender Housing Details and History Report Created on Tuesday May 8, 2007 13:19

Select Offender SBI Number	Name		R/S	SENTAC	Sec/Cust
PO		Location	Multi Status	Location	
PO					
00506622	LEWIS	JIMMY	B	V	
		DCC - 02	M	N	

Bed	Facility	Tier / Pod	Building	
Cell	Wing / Unit	Floor	Bed Type	Date Entered
Time Entered	Date Departed	Time Departed	Comments	
Single	DCC Delaware Correctional Center	Tier C	Bldg 18	
Cell 2		Upper		09/13/2006
12:12	10/05/2006	12:17		
Single	DCC Delaware Correctional Center	Tier C	Bldg 17	
Cell 1		Upper		10/05/2006
12:17	11/01/2006	02:29		
Single	DCC Delaware Correctional Center	Tier D	Bldg D/Infirmery	
Cell 190				11/01/2006
02:29	11/01/2006	11:39		
Bottom	DCC Delaware Correctional Center	Tier D	Bldg 23	
Cell 2		Upper		11/01/2006
11:39	04/05/2007	20:11		
Single	DCC Delaware Correctional Center	Tier D	Bldg D/Infirmery	
Cell 190				04/05/2007
20:11	04/13/2007	12:26		
Bottom	DCC Delaware Correctional Center	Tier D	Bldg 23	

Cell 2		Upper		04/13/2007
12:26	04/20/2007	10:59		
Single	DCC Delaware Correctional Center	Tier C	Bldg 18	
Cell 12		Upper		04/20/2007
10:59	05/04/2007	11:36		
Single	DCC Delaware Correctional Center	Tier D	Bldg D/Infirmary	
Cell 188				05/04/2007
11:36				